



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF MANAGEMENT

Privacy, Information, and Records Management Services

August 13, 2013

Ms. Eileen Feldman
MuckRock News
DEPT. MR 6130
P.O. Box 55819
Boston, MA 02205-5819
6130-66358267@requests.muckrock.com

RE: FOIA Request No. 13-01928-F

Dear Ms. Feldman:

This letter is a final response to your e-mail dated July 15, 2013 requesting information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552. Your request has been assigned to the appropriate office within the Department to search for responsive records. You requested the following information:

The Accessibility Standards Checklist (s) for Existing facilities (constructed prior to 1/26/92) currently utilized by the Department of Education, Office for Civil Rights (OCR) during Investigations into compliance with the regulatory requirements of the American With Disabilities Act of 1990 (ADA) with respect to the physical accessibility of Public Library facilities, programs and services.

Enclosed is a CD containing 262 pages of documents responsive to your request. The documents provided are:

- Letters of Findings, Resolutions, Agreements and Complaints.

However, certain information has been withheld according to the FOIA exemption specified below:

- Pre-decisional internal communications have been withheld under exemption (b)(5) of the FOIA, 5 U.S.C. § 552 and Departmental regulation 34 CFR § 5.71(a). These provisions require us to withhold the government's deliberative process privilege, inter alia, protecting records of pre-decisional internal communications reflecting the views or recommendations of agency employees in connection with the government policy or legal matters that are both pre-decisional and deliberative in nature.

- Personal information has been withheld under exemption (b)(7)(C) FOIA 5 U.S.C. §552(b)(7)(C) and Departmental regulation 34 CFR §5.71(a). Disclosure of this information would constitute a clearly unwarranted invasion of personal privacy. Information withheld pursuant to this exemption includes complainant names and other identifying information.

OCR provided addition information via the following link:

<http://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-aba-standards/ufas> <<http://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-aba-standards/ufas>.

The Department has concluded that you fall within the category of an All Other requester. These responsive documents have been provided to you at no cost. The release of information at no cost does not constitute the grant of a fee waiver, and does not infer or imply that you will be granted a fee waiver for future requests made under FOIA to the Department.

You have the right to appeal this decision by writing to the address below, 35 days from the date of this letter. Your appeal should be accompanied by a copy of your initial letter of request and this denial letter, and should contain any evidence or argument you wish the Department to consider in making an administrative determination on your appeal.

Appeal Address:

U.S. Department of Education
Office of Management
400 Maryland Avenue, SW, LBJ 2W311
ATTN: Appeals Office
Washington, DC 20202-4500

Or, you may complete the online FOIA appeal form, located at:
http://www.ed.gov/policy/gen/leg/foia/foia_appeal_form_1.html.

If you have any questions, please contact the FSC at (202) 401-8365 or
EDFOIAManager@ed.gov.

Sincerely,



Christie D. Swafford
FOIA Public Liaison, OM/RIMS

Enclosures